

Rob and Steve:

Below are written comments for the NRPB Sound Preservation Study prepared by the SEM Archiving Special Interest Group. Laurel Sercombe of the Ethnomusicology Archives at the University of Washington and I are the principal authors. The SEM Board has approved this document and requested that I send it on to you as SEM's official response.

Suzanne Flandreau

To: Library of Congress, National Recording Preservation Board

From: Society for Ethnomusicology

The Society for Ethnomusicology promotes the research, study, and performance of music in all historical periods and cultural contexts. Ethnomusicologists and archivists who work with ethnomusicological sound collections have a long-standing professional interest in the educational and scholarly use of sound recordings. In many cases, the ethnographic collections in archives are also of vital concern to the source communities, especially when they find it necessary to revive endangered musical traditions and languages. Archives are the repositories of recordings that can be used for research and scholarship, teaching and education, and community revitalization and empowerment. Therefore, issues regarding access, preservation, and the ethical and legal dissemination of recorded music are of great concern to members of the archival profession.

As a member of the National Recording Preservation Board, the Society for Ethnomusicology fully supports the National Recording Registry and its mission within the Library of Congress. We have been particularly pleased to see the inclusion of ethnographic field collections in the Registry.

In response to the request by the Board for comments on the current state of recorded sound preservation, the Society would like to address several areas of concern:

1) Legal barriers to accessing recordings for educational use

As educators, ethnomusicologists routinely use recordings in the classroom to demonstrate musical styles and genres, introduce musical concepts, and provide a basis for comparison or analysis. Access to complete works in the classroom and for class reserves is often necessary, and such access should be decided on the basis of educational relevance in accordance with the objectives of the course. The Society for Ethnomusicology supports efforts to allow the digital copying and dissemination of complete musical works for classroom use and class reserves as part of the fair use provision of the copyright law.

The long-term preservation of published and unpublished historical recordings is also of great concern to educators and researchers in ethnomusicology. The Society supports modification of the copyright law to allow for reformatting and preservation of recordings in poor or

deteriorating condition, so that they may remain accessible for future study. In cases where older commercial recordings are controlled by rights holders who have not taken steps to make them accessible on currently available formats or where the copyright owner is not known or is unclear, the law should provide for alternative legal means for their preservation and dissemination.

2) Practical barriers to the preservation of recordings

Those responsible for maintaining collections of ethnomusicological recordings, particularly in smaller institutions, face the additional challenges of limited staffing and technical resources, and of funding and managing digitization projects, locating and paying for reliable long-term digital file storage, and managing source recordings and accompanying metadata. Some grant support is available for the preservation of our most physically vulnerable or historically and culturally significant recorded materials, but the bulk of our collections of ethnographic recordings remain at risk unless cooperative solutions can be found.

3) Legal barriers to scholarly publication

Increasingly, students and scholars who write about music find themselves prevented from citing copyrighted materials in published articles and monographs. While the law should protect copyright holders from unauthorized use of their intellectual products, the fair use provisions should more broadly and explicitly cover the quotation of copyrighted materials in scholarly publications. Students, in particular, suffer when their dissertations, considered to be covered by fair use, cannot then be published because they have included lyrics or musical examples from copyrighted recordings. The Society for Ethnomusicology supports changes in the copyright law, and an equitable definition of fair use practices, to enable scholars to conduct research and publish in the subject areas of their choice without burdensome restrictions.

In summary, the Society for Ethnomusicology supports changes in copyright and fair use legislation that reduce restrictions on the uses of copyrighted sound recordings in research and educational contexts and, in addition, encourage the development of cooperative solutions to the crisis of preserving and making accessible our many and varied ethnographic recording collections.

Prepared by the Archiving Special Interest Group of the Society for Ethnomusicology; written by Laurel Sercombe and Suzanne Flandreau.

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